REMARKS

Claims 1-20 are pending in the present case. Claims 1, 3, 9, 10, 15, 16 and 19 are amended herein. No new matter has been added by amendments made herein.

Double Patenting Rejection

Claims 1-20 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 09/863,706 in view of Depew et al. (US Patent No. 6,215,476). The Claims 1-20 in the instant application delimit a single piece cover enclosure that "is disposed over and encloses the top and fully covers both sides of said touch screen assembly." These elements of Applicants' Claims are not addressed in the outstanding Office Action. Accordingly, a cover enclosure formed as is recited in the Claims along with the recited digitizer (as is admitted in the outstanding Office Action) is not claimed in Application No. 09/0863,706. It is important to note that the aforementioned limitations are representative of the substantial differences that exist between the inventions set forth by the alleged conflicting claim sets.

Applicants respectfully submit that the Depew et al. reference does not remedy the deficiencies of the cited Claims of Application No. 09/863,706. As such, all of the limitations that are recited in the Claims of the instant application are not covered by the combination of Claims 1-25 of co-pending Application No. 09/863,706 and Depew. Consequently, Claims 1-20 of the instant application are not properly rejected based on the aforementioned combination. Accordingly, Applicants respectfully request that the non-statutory obviousness type double patenting rejection of these Claims be withdrawn.

Applicants notice that no response to the arguments presented above were provided in the outstanding Office Action. Applicants respectfully request that these arguments be responded to or that the rejection be withdrawn in the next Office Action.

103 Rejection

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' prior art Figure 1 in view of Takahata et al. (US Patent No. 6,556,189). The Applicants have reviewed the cited references and respectfully submit that the embodiments of the present claimed invention as are recited in Claims 1-20 are neither shown nor suggested by Applicants' prior art Figure 1 in view of Takahata et al.

The Examiner is respectfully directed to independent Claim 1 which is drawn to a display assembly for a portable electronic device. Claim 1 is reproduced below in its entirety for the convenience of the Examiner:

1. An integrated enclosure/touch screen assembly comprising:

a display mechanism;

a digitizer mechanism comprising a protective component and a digitizing element; and

a single piece cover enclosure for said touch screen assembly that is disposed over and fully encloses the top and sides of said touch screen assembly wherein said digitizing element can be activated by contact made along the external surface of said single piece cover enclosure, and wherein said single piece cover enclosure forms a seal to protect said digitizer mechanism.

Independent Claims 9 and 16 recite distinguishing limitations similar to those recited in Claim 1. Claims 2-8 depend from independent Claim 1, Claims 10-15 depend from independent Claim 9, and Claims 17-20 depend from independent Claim 16 and set forth additional limitations of embodiments of the present invention.

The cited combination fails to anticipate or render obvious the embodiments of Applicants' invention as are set forth in Claims 1, 9 and 16 as the cited combination fails to teach or suggest limitations that are set forth in these Claims. In particular, the primary reference, Applicants' prior art Figure 1, does not teach or suggest an integrated enclosure touch screen assembly that includes "a single piece cover enclosure for said touch screen assembly that is disposed over and encloses the top and sides of said touch screen assembly" as is set forth in Claim 1 (Claims 9 and 16 recite similar limitations). And, the secondary reference Takahata et al. does not remedy the deficiencies of Applicants' prior art Figure 1.

Applicants' prior art Figure 1 shows a dissimilar touch screen assembly that clearly does not include a single piece cover enclosure that is disposed over and encloses the top and both sides of the touch screen assembly and the protective film of the digitizer mechanism. Referring to Applicants' Figure 1, the outermost protective film 110 which is equated in the outstanding Office Action to the recited single piece cover enclosure, does not enclose the top and fully cover both sides of the touch screen assembly shown in Figure 1. In fact, protective film 110 is limited to the area located directly above the

illustrated digitizer mechanism (see Figure 1). Accordingly, Applicants' Figure 1 fails to teach or suggest the above noted limitations.

In addition, Applicants' Figure 1 does not teach or suggest "a bezel-less cover element disposed over a top surface of said digitizer mechanism that has a top surface that is coincident with the top surface of a supporting structure of said bezel-less cover element as is recited in Claim 16. Referring to Applicants' Figure 1, the top surface of the device is depicted as not being coincident with the top surface of its supporting structure. As such, this structure cannot reasonably be equated to the top surface of the recited cover element of Claim 16. Accordingly, a cover element such as is delimited in Claim 16 is not taught or suggested by Applicants' Figure 1.

Takahata et al. does not teach or suggest a modification of Applicants' prior art Figure 1 that would remedy the deficiencies of Applicants' prior art Figure 1 outlined above. More specifically, Takahata et al. does not teach or suggest an integrated enclosure touch screen assembly that includes "a single piece cover enclosure for said touch screen assembly that is disposed over and encloses the top and sides of said touch screen assembly" as is recited in Claim 1 (Claim 9 recites similar limitations).

Takahata et al. teaches a touch panel device (see abstract) that is dissimilar to embodiments of Applicants' present claimed invention. It should be noted that structure 43 of Takahata et al. is equated to the single piece cover enclosure of Claim 1 in the outstanding Office Action. However, as is discussed in Takahata et al. with reference to Figure 9, structure 43 is a bag that is very different from the single piece cover enclosure

of Applicants' Claims. In Takahata et al. as shown in Fig. 9 and Fig. 10, bag 43 encloses the touch panel component but must be sealed at the side (see figures 9 and 10). It is appreciated that this indicates that a single piece doesn't cover the sides of the assembly because two different portions of the bag must be either sealed or fused to cover what is shown as the right side of the assembly. Moreover, as it regards the Fig. 11 embodiment, Takahata et al. shows in the Fig. 11, that a portion of the upper surface of the bag in the associated embodiment is partially removed. Accordingly, in the Fig. 11 embodiment, as with the Fig. 9 and Fig. 10 embodiments, it cannot be reasonably alleged that a single piece cover enclosure covers both the top and sides of the touch screen assembly. Consequently, this significant limitation of Claim 1 is not taught or suggested by Takahata et al. to remedy the above noted deficiencies of Applicants' prior art Figure 1.

Moreover, Takahata et al. does not teach or suggest "a bezel-less cover element disposed over a top surface of said digitizer mechanism that has a top surface that is coincident with the top surface of a supporting structure of said bezel-less cover element" as is recited in Claim 16. Referring to Takahata et al. Figs. 1-4, the cover element 6 is shown as being affixed to the top of its supporting structure 8. It should be noted that the cover element is shown and described as being disposed in this manner for the embodiments shown in Figs. 1-4 without contradiction. Accordingly, it is clear that Takahata et al. does not disclose a bezel-less cover element that has a top surface that is coincident with the top surface of a supporting structure of the bezel-less cover element. Consequently, this limitation of Claim 16 is not taught or suggested by Takahata et al. to remedy above noted deficiencies of Applicants' prior art Figure 1.

Applicants respectfully submit that based on the aforementioned review of Takahata et al., nowhere therein is the above discussed limitations of Applicants' Claims taught or suggested. Consequently, the embodiments of Applicants' present claimed invention as are set forth in Claims 1, 9 and 16 are not anticipated or rendered obvious by Applicants' prior art Figure 1 and Takahata et al. either alone or in combination.

Dependent claims such as Claim 2 provide other examples of non-obvious subject matter. As it regards Claim 2, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claim 9 recites similar limitations) and further includes the limitations "wherein said single piece cover enclosure is constructed using in mold decoration" as is set forth in Claim 2 (Claim 17 recites similar limitations).

As it regards Claim 3, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claim 9 recites similar limitations) and further includes the limitations "wherein a soft thermoplastic outer film is coupled to said top film of said digitizer mechanism by in mold decoration to form said single piece cover enclosure" as is set forth in Claim 3 (Claims 10 and 19 recites similar limitations).

As it regards Claim 4, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claim 9

recites similar limitations) and further includes the limitations "wherein finger pressure on the external surface of said single piece cover enclosure can be used to activate said digitizer mechanism" as is set forth in Claim 4.

As it regards Claim 5, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claims 9 and 16 recite similar limitations) and further includes the limitations "wherein stylus pressure on the external surface of said single piece cover enclosure may be used to activate said digitizer mechanism" as is set forth in Claim 5 (Claim 12 recites similar limitations).

As it regards Claim 6, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claims 9 and 16 recite similar limitations) and further includes the limitations "wherein said single piece cover comprises a mylar polycarbonate material" as is set forth in Claim 6.

As it regards Claim 7, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claims 9 and 16 recite similar limitations) and further includes the limitations "said soft thermoplastic film has sufficient deflection under external pressure to active said digitizer mechanism" as is set forth in Claim 7 (Claims 14 and 20 recites similar limitations).

As it regards Claim 8, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 1 (Claims 9 and 16 recite similar limitations) and further includes the limitations "wherein said single piece cover enclosure for said display mechanism and said digitizer mechanism is constructed with a flat outer top surface free of any indentation" as is set forth in Claim 8 (Claim 15 recites similar limitations).

As it regards Claim 10, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 9 (Claim 1 recites similar limitations) and further includes the limitations "wherein said single piece cover enclosure is a soft thermoplastic outerfilm that is coupled to said protective component of said digitizer mechanism and to said supporting structure" as is set forth in Claim 10.

As it regards Claim 11, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 9 (Claim 1 recites similar limitations) and further includes the limitations "wherein finger pressure on the external surface of said single piece cover enclosure may be used to activate said digitizer mechanism" as is set forth in Claim 11.

As it regards Claim 13, Applicants respectfully submit that nowhere in Applicants' prior art Figure 1 and Takahata et al. is an integrated enclosure/touch screen assembly taught or suggested that includes the above discussed limitations of Claim 9 (Claim 1 recites similar limitations) and further includes the limitations "wherein said digitizing element of said digitizer mechanism is a resistive type digitizing element" as is set forth in Claim 13 (Claim 18 recites similar limitations).

Because of the reasons discussed above, Applicants respectfully submit that the rejection of Claims 1, 9 and 16 under 35 U.S.C. §103 is improper and that Claims 1, 9 and 16 are in condition for allowance. Accordingly, Applicants respectfully submit that Claims 2-8 dependent on Claim 1, Claims 10-15 dependent on Claim 8 and Claims 17-20 dependent on Claim 16 are likewise in condition for allowance at least as being dependent on allowable base Claims.

SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the Application and allowance of the pending Claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Reginald A. Ratliff at (408) 938–9060.

Respectfully submitted,

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Dated: 10/31, 2007

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